SUPREME COURT, U. S.

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IN THE

Supreme Court of the United States

OCTOBER TERM—~~1965~~ 1966

No. [redacted] 71

IN THE MATTER OF

LANDON ZUCKERMAN and SAM HABER,
Petitioners,

against

SAMUEL GREASON,
Respondent.

TO THE HONORABLES, THE CHIEF JUSTICE OF THE UNITED STATES, AND THE ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES

PETITIONERS' REPLY BRIEF

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It is no answer to this Honorable Court or to Petitioners to ignore the very real constitutional issues raised and attempt to suggest to the Court that because, in the opinion of Respondent, Petitioners did something wrong, they are undeserving of this Honorable Court's consideration.

With regard to Point I, Petitioners set forth a specific issue raised by a course of conduct which has been held to constitute a denial of due process. Respondent does not dispute the facts which clearly demonstrate that denial

and incorrectly states that this Court, in *Anonymous* v. *Baker,* 360 U. S. 287, 79 S. Ct. 1157, passed on the issue and approved the course followed. It did not.

In his Point II, Respondent refers to the Canons of Ethics without mentioning which canon is involved. As a matter of fact there is no such canon. As a matter of fact, the Referee only held that a violation of the Appellate Division's Special Rule 7 had occurred—and he did so by an improper extension of the Rule. The Appellate Division did not even mention the Canons, but simply endorsed the Referee's conclusions.

With regard to Point III, Respondent here, for the first time, asserts that there never was a "full disclosure." Manifestly, Respondent admits that there was a disclosure, but now disputes the extent thereof. The Referee grounded his determination on the failure of the Petitioner Zuckerman to turn over possession of the records. He equated this failure to turn over possession with a failure to disclose, in spite of the fact that the record clearly shows, and Respondent also now tacitly admits, that a disclosure had, in fact, taken place. The Appellate Division endorsed the Referee's Report without regard to the disclosure actually made.

Respondent's Point IV again tacitly admits that neither the Referee's Report nor the Appellate Division's opinion determined which of Petitioners did what. In spite of the fact that these were two separate proceedings requiring proof as against each individual Petitioner, both the Referee (contrary to the express stipulation on the record) and the Appellate Division indiscriminately lumped both Petitioners together and held them both guilty, without a word in the Referee's Report, or the Appellate Division's opinion or decision, as to what it was that either Petitioner did wrong.

Implicit in the Respondent's answer is the suggestion to this Honorable Court that attorneys in disciplinary proceedings are not entitled to the ordinary rules of procedure and constitutional rights available to the lowliest litigant. It is this issue which Petitioners have submitted to this Honorable Court.

CONCLUSION

It is respectfully submitted the petitions should be granted.

Respectfully submitted,

LEONARD FELDMAN,
Attorney for Petitioners.